

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ROMAN CATHOLIC DIOCESE OF HELENA ZONE CHANGE REQUEST
ZONING MAP AMENDMENT REPORT (#FZC-11-03)
OCTOBER 5, 2011**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by the Roman Catholic Diocese of Helena for a zoning map amendment in the Bigfork Zoning District. The proposed amendment would change the zoning on portions of the subject property from 'AG-40 Agricultural' and 'AG-20 Agricultural' to 'AG-20 Agricultural' and 'SAG-5 Suburban Agricultural'.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on October 19, 2011 in the 2nd Floor Conference Room of the Earl Bennett Building located at 1035 1st Ave West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed zoning map amendment at a date and time yet to be determined. Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Flathead County Clerk and Records Office at 800 South Main Street in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

On September 29, 2011 Bigfork Land Use Advisory Council (BLUAC) held a public meeting on the proposal and the Council voted unanimously 8-0 to forward a recommendation for approval to the Flathead County Planning Board and the Board of County Commissioners (see attached BLUAC minutes for details).

B. Planning Board

This space will contain an update regarding the October 19, 2011 Flathead County Planning Board review of the proposal.

C. Commission

This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Roman Catholic Diocese of Helena
P.O. Box 1729
Helena, MT 59624

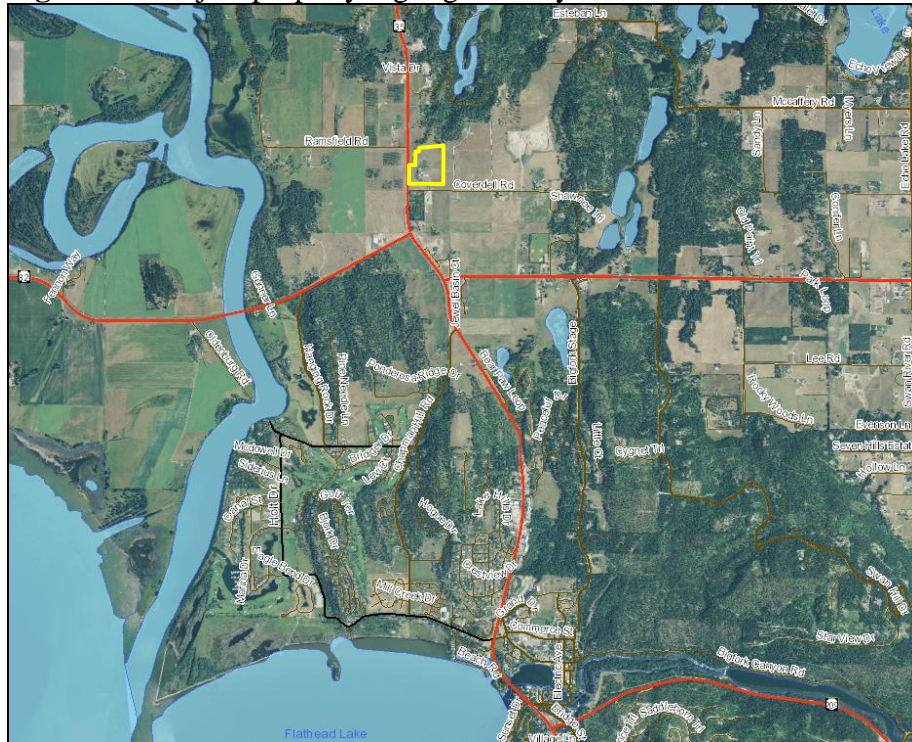
ii. Technical Assistance

Michael Fraser
690 North Meridian, Suite 103
Kalispell, Mt. 59901

B. Subject Property Location and Legal Description

The subject property is located directly northeast of the intersection of Montana Highway 35 and Coverdell Road (see Figure 1 below). Generally speaking, the property is approximately three miles north of the town of Bigfork, approximately one-quarter mile north of the intersection of Highway 35 and Highway 82 and one-half mile north of the intersection of Highway 35 and Highway 83. The property can be legally described as Parcel A of Certificate of Survey No. 12910 (aka Assessor's Tract 4) in the NW1/4 of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property highlighted in yellow.



C. Proposed Zoning Map Amendment

The subject property is located within the Bigfork Zoning District and is currently split between “AG-40” and “AG-20 Agricultural” zoning designations (see Figure 2 below). Both “AG-40” and “AG-20” classifications are similarly defined as districts *“to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.”* The applicant has requested the zoning map amendment to allow the property to be zoned “AG-20 Agricultural” on the westerly portion and “SAG-5 Suburban Agricultural” on the easterly portion, with the amended zoning boundaries following the established property boundaries. The proposal is made in anticipation of establishing a future Class 3 Community Residential Facility on the proposed eastern SAG-5 portion of the property (see Figure 3 below).

Figure 2: Current split zoning applicable to subject property (highlighted in blue).

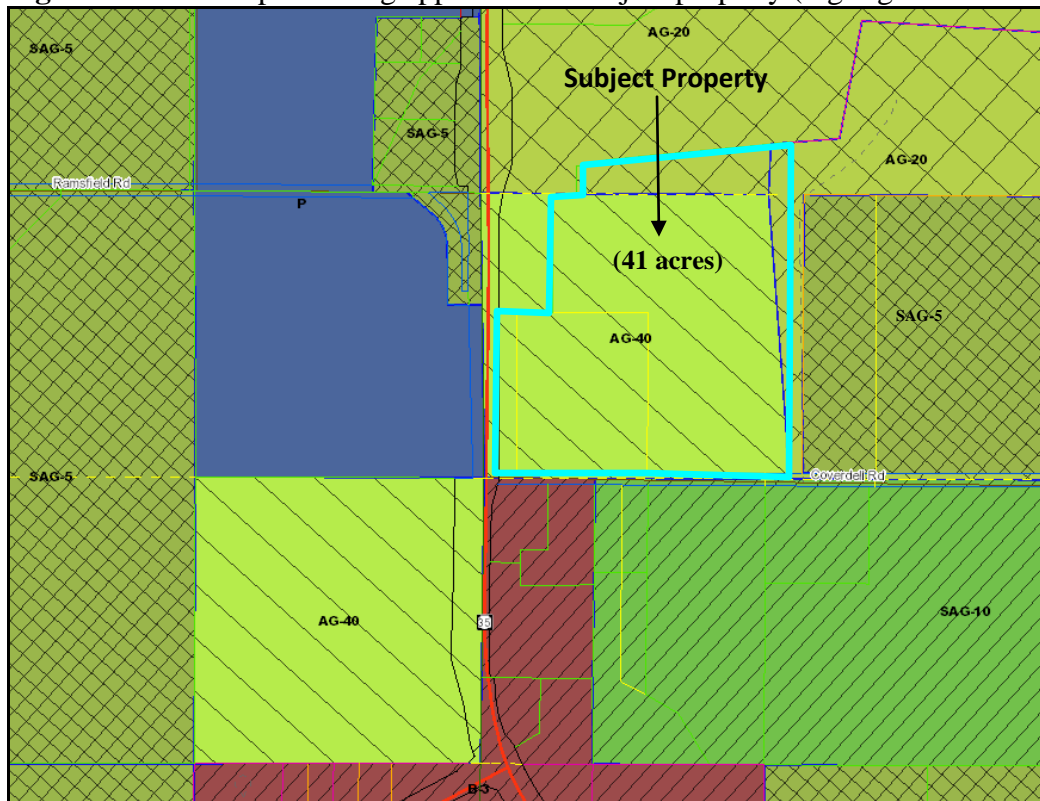
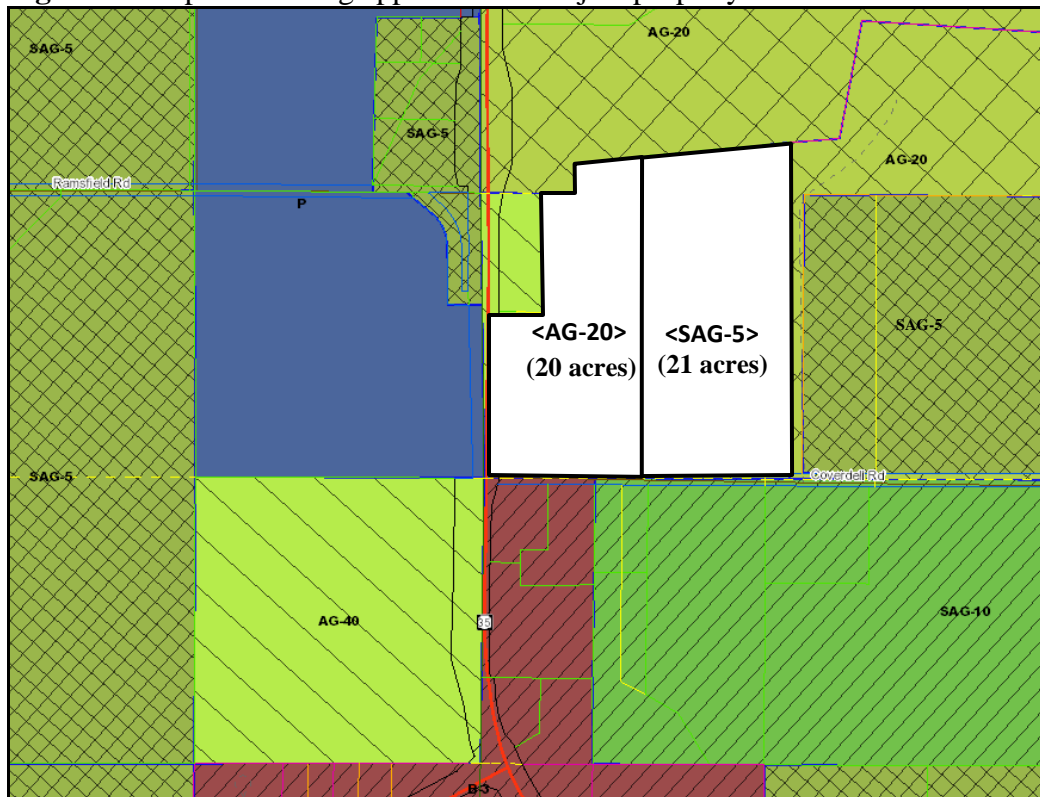


Figure 3: Proposed zoning applicable to subject property.

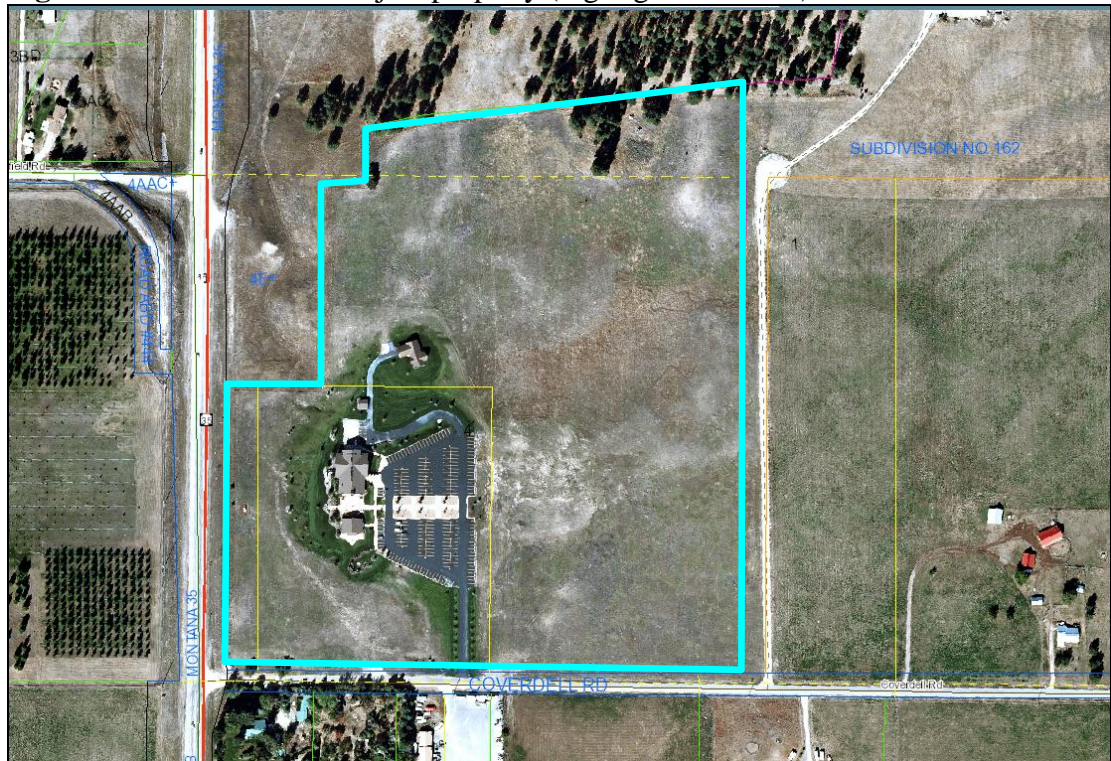


D. General Character of and Reason for Amendment

The applicant is requesting the change in zoning in order to establish SAG-5 Suburban Agricultural zoning on the property in anticipation of developing a 'Community Residential Facility' at the location in the near future. If the proposed zoning amendment is approved, a 'Community Residential Facility' would be an available use in the SAG-5 area, subject to review as either a conditional use per Flathead County Zoning Regulations (FCZR) Section 3.08.030(11)) or via a Residential SAG-5 PUD per FCZR Section 3.31.030((3)(A) and (4)(A)).

The subject property is presently split between AG-40 and AG-20 zoning designations, the boundaries of which don't correspond with the established property boundaries, resulting in narrow sliver-like areas of AG-20 along the northern and eastern portions of the property (see Figure 2). The requested zoning map amendment would change portions of the subject property currently zoned AG-40 and AG-20 Agricultural to AG-20 Agricultural and SAG-5 Suburban Agricultural (see Figure 3) in a manner that split zoning designation boundaries would be rectified to match property boundaries.

Figure 4: Aerial view of subject property (highlighted in blue).



E. Adjacent Zoning and Character of the Overall Zoning District

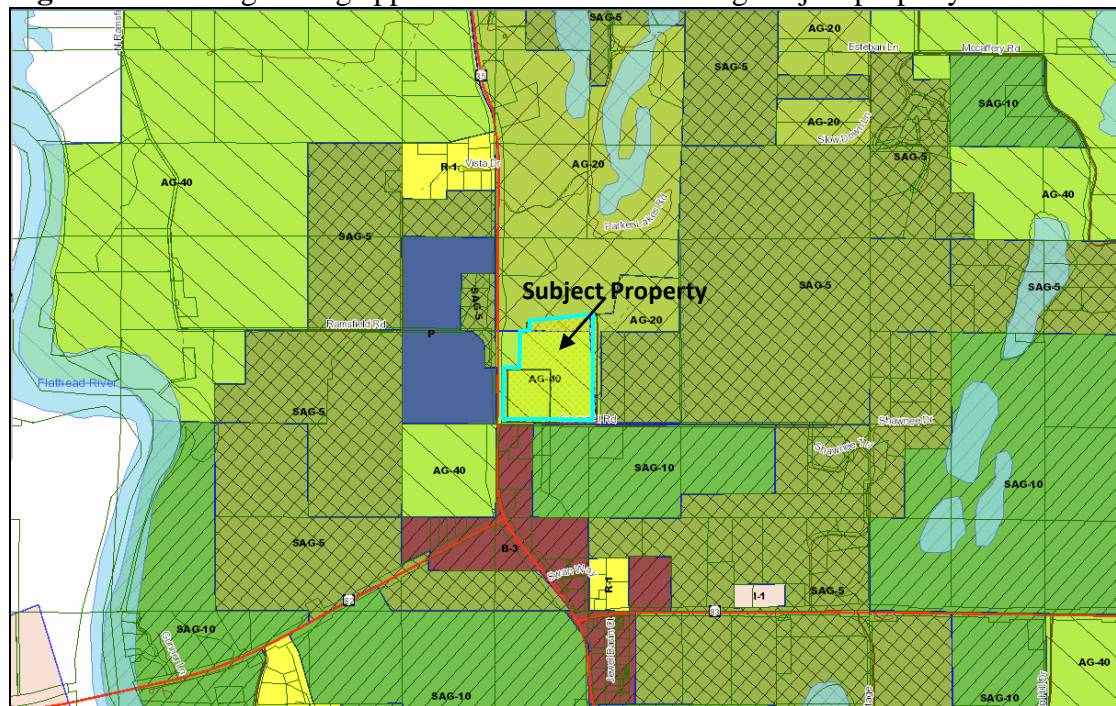
The subject property is located within the Bigfork Zoning District and surrounded by agricultural, suburban agricultural, business, and public zoning use designations (see Figures 2, 3 and 5). Generally, the property is bordered to the north by 'AG-20 Agricultural' zoning (part of the requested designation), to the east by 'SAG-5 Suburban Agricultural' zoning (part of the requested designation), to the south by

‘SAG-10 Suburban Agricultural’ and ‘B-3 Community Business’ zoning, and to the west by ‘SAG-5 Suburban Agricultural’ and ‘P Public’ zoning. Beyond the immediate vicinity of the proposal, agricultural and suburban agricultural zoning are prevalent among the established zoning use districts.

Note, a ‘flag’ of an adjacent property is situated directly along the eastern boundary of the subject property containing a 60-foot wide private road and utility easement established on the Plat of Subdivision No. 162. The ‘flag’ is currently zoned ‘AG-20’. In the event the requested map amendment is approved, this ‘flag’ of ‘AG-20’ zoned area would continue to exist, separating the proposed ‘SAG-5’ portion from existing adjacent ‘SAG-5’ zoning to the east. As the proposal is a privately initiated map amendment request, staff review has not entailed solicitation of the adjacent owner’s interest in amending that property’s zoning.

The predominant character of the area surrounding the subject property is agricultural and estate-type rural residential, with lot sizes generally ranging from ten to fifty acres along both sides of Coverdell Road and Highway 35. The subject property and adjacent parcels tend to be open fields and pasture except for wooded and hilly adjacent parcels to the north. In addition to agricultural and single family estate-type residential uses, there are some smaller parcels used for commercial businesses on the south side of Coverdell Road and a commercial gravel operation located approximately 2000 feet east of the subject property on the north side of Coverdell Road. The mix of agricultural, residential, and business land uses is consistent with the established mixed zoning present in the general area.

Figure 5: Existing zoning applicable to area surrounding subject property.



When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

1. *The zoning allows a use that differs significantly from the prevailing use in the area.*

The intent of the both the existing ‘AG-40 and AG-20 Agricultural’ zoning is to “*protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development*” and the intent of the proposed ‘SAG-5 Suburban Agricultural’ zoning is to “*to provide for and preserve (smaller) agricultural functions*” and to provide “*a buffer between urban and unlimited agricultural uses*”. The permitted and conditional uses applicable to these zoning classifications are very similar, as are the bulk and dimensional requirements (with the exception of lot size). The zone change requested would not allow types of uses on the subject property which differ greatly from uses allowed under the existing ‘AG-40 and AG-20 Agricultural’ zoning in place. Additionally, the subject property is adjacent to properties currently zoned SAG-5, and allowing the western portion of the subject property to change to SAG-5 would not allow uses on the property that differ significantly from the prevailing uses allowed under the existing SAG-5 zoning on adjacent properties.

2. *The zoning applies to a small area or benefits a small number of separate landowners.*

The zoning map amendment would apply to the entire 41-acre property currently under single ownership.

3. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

While the zoning map amendment would apply to a portion of one property for the benefit of a single owner, this zoning map amendment would not appear be at the expense of the surrounding landowners because of the similarity in zoning designations. The applicant is not requesting a wholesale change in use (from suburban agricultural to commercial or industrial, for example); the requested map amendment would primarily alter the minimum lot size permissible on a portion of the subject property, to reflect lots sizes currently allowed on neighboring properties in the area.

In summary, the proposed zoning map amendment would not appear to be at risk of spot zoning because it meets only one of three criteria. All three criteria must be met for the application to potentially be considered spot zoning.

F. Public Services and Facilities

Sewer:	Public sewer system (Bigfork Water and Sewer District)
Water:	Public water system (Bigfork Water and Sewer District)
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Bigfork School District (K-12)
Fire:	Bigfork Fire District
Police:	Flathead County Sheriff's Office

G. Criteria Used for Evaluation of Proposed Amendment

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

H. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on September 23, 2011. Legal notice of the Planning Board public hearing on this application will be published in the October 2, 2011 edition of the Daily Interlake.

Following the Planning Board hearing on October 19, 2010, public notice of the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 M.C.A.]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

I. Agency Referrals

Referrals were sent to the following agencies on August 22, 2011:

- Flathead County Public Works/Flathead County Road Department
 - Reason: The location of the zone change request is adjacent to and accessed by Coverdell Road, and the zone change request has the potential to impact County infrastructure, should development occur in the future.
- Flathead City-County Health Department; Environmental Health Services
 - Reason: Increased development as a result of the zoning map amendment may necessitate review by the Department.
- Flathead County Sheriff

- Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing public services.
- Bigfork Fire District
 - Reason: The subject property is located within the jurisdiction of the local fire district and increased development as a result of the zoning map amendment could impact the level of service available.
- Bigfork Water and Sewer District
 - Reason: A portion of the subject property is located within the jurisdiction of the district and increased development as a result of the zoning map amendment may necessitate annexation into and use of district infrastructure.
- Montana Department of Transportation (MDT)
 - Reason: The subject property is adjacent to Montana Highway 35 and the zone change request has the potential to impact MDT infrastructure, should development occur in the future.

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment will do so at the Planning Board public hearing scheduled for October 19th, 2011. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Dave Prunty, Director; Flathead County Road & Bridge Department
 - Comment: At this point the County Road Department does not have any comments on this request.
- Wayne Loeffler, Chief; Bigfork Fire Department
 - Comment: The Bigfork Fire Department does not have any problems with this request.
- James Freyholtz, Traffic Engineer; Montana Department of Transportation
 - Written Comment: The proposal is accessed by Coverdell Road which is a county road. I have no comments regarding this proposal.
 - Verbal Comment from a 8/30/11 telephone conversation: Montana Highway 35 is a 'controlled access highway' and future development of the subject property would not be allowed to access directly onto the highway.

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build Out Analysis

Once a specific zoning designation is applied in a certain area, landowners have certain land uses that are allowed “by-right.” A build-out analysis is performed to examine the maximum potential impacts of full build-out of those “by-right” uses. It is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not “best-case” or “worst case” scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zone change to the future of the community to allow for the best possible review.

Current Zoning

As previously stated, the subject property is currently split between ‘AG-40 Agricultural’ and ‘AG-20 Agricultural’ zoning. These classifications are similarly defined as districts to “*protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development*” (Section(s) 3.05.010 and 3.06.010 FCZR). The predominant ‘AG-40’ zoning on the subject property will be reviewed and compared with the similar but less dominant ‘AG-20’ zoning on the subject property below.

The following is a list of identical permitted uses in a ‘AG-40’ and ‘AG-20’ zone:

1. Agricultural/horticultural/silvicultural uses.
2. Cellular Towers.
3. Class A and Class B manufactured homes.
4. Cluster housing
5. Dairy products processing, bottling, and distribution.
6. Day care homes.
7. Dwellings, single-family.
8. Guest houses.
9. Fish hatcheries.
10. Home occupations.
11. Homeowners parks and beaches.
12. Kennels.
13. Nurseries, landscaping materials.
14. Parks.
15. Produce stands.
16. Public transportation shelter stations.
17. Public utility service installations.
18. Ranch employee housing.
19. Stables, riding academies, rodeo arenas.

The following uses are listed as conditional uses in an 'AG-40' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Airports.
2. Animal farms.
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camps and retreat centers.
6. Caretaker's facility.*
7. Cemeteries, mausoleums, columbariums, crematoriums.
8. Churches and other places of worship.
9. Communication towers/masts.
10. Community center buildings operated by a non-profit agency.
11. Contractor's storage yards.*
12. Dwellings, family hardship.*
13. Electrical distribution stations.
14. Extractive industries.
15. Feed and seed processing and cleaning.
16. Feed lots: cattle, swine, poultry
17. Landfills, sanitary for disposal of garbage and trash.
18. Radio and television broadcast studios.
19. Recreational facilities, low-impact.
20. Rifle ranges.
21. Schools, primary and secondary.
22. Temporary buildings or structures.*
23. Water and sewage treatment plants.
24. Water storage facilities.

Note, an 'AG-20' zone contains the same conditional uses as an 'AG-40' zone with the exception of Landfills and Rifle Ranges.

Bulk and dimensional standards under 'AG-40' and 'AG-20' zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures, while setbacks for accessory structures require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 20%.

Minimum lot size in a 'AG-40' zone is 40 acres. The majority of the 41-acre subject property is currently zoned 'AG-40', with approximately 10 acres of northern and eastern portions of the property zoned 'AG-20'. Under the existing scenario it appears the property could not be divided. The property is currently developed with a church situated on approximately a quarter of the subject property's land area. As the church constitutes the principal use on the property, there are minimal options for additional uses of the property given the current conditions and applicable zoning.

Proposed Zoning

The proposed zoning map amendment would change the zoning on the subject property from ‘AG-40’ and ‘AG-20’ Agricultural” to ‘AG-20’ Agricultural on the 20 acre western portion of the property and ‘SAG-5 Suburban Agricultural’ on the 21 acre eastern portion of the property. The following is a list of permitted uses in a ‘SAG-5’ zone:

1. Agricultural/horticultural/silvicultural uses.
2. Class A and Class B manufactured homes (See Chapter VII – Definitions).
3. Cluster housing (See Chapter V – Performance Standards).
4. Day care homes.
5. Dwellings, single-family.
6. Guest houses.
7. Home occupations (See Chapter V- Performance Standards and Chapter VII – Definitions).
8. Homeowners parks and beaches.
9. Nurseries, landscaping materials.
10. Parks and publicly owned recreational facilities.
11. Produce stands.
12. Public transportation shelter stations.
13. Public utility service installations.

The following uses are listed as conditional uses in a ‘SAG-5’ zone; once again, an asterisk designates conditional uses that may be reviewed administratively:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker’s facility.
7. Cellular towers.
8. Cemeteries, mausoleums, columbariums, crematoriums.
9. Churches and other places of worship.
10. Community center buildings operated by a non-profit agency.
11. Community residential facilities.
12. Contractor’s storage yards (See Chapter IV – Conditional Use Standards).
13. Dwellings, family hardship.
14. Electrical distribution stations.
15. Extractive industries.
16. Golf courses.
17. Golf driving ranges.
18. Kennels, commercial (See Chapter IV-Conditional Use Standards).
19. Manufactured home parks.
20. Recreational facilities, high-impact.
21. Recreational facilities, low-impact.

22. Recreational vehicle parks.
23. Schools, primary and secondary.
24. Stables, riding academies, and rodeo arenas.
25. Temporary buildings or structures.
26. Water and sewage treatment plants.
27. Water storage facilities.

Similar to ‘AG-40’ and ‘AG-20’, the bulk and dimensional standards under ‘SAG-5’ zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures, while setbacks for accessory structures require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from County roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 25% for residential uses.

Minimum lot size in a ‘AG-20’ zone is 20 acres and minimum lot size in a ‘SAG-5’ zone is 5 acres. Under the proposed zoning the subject property could potentially be divided in a variety of ways. For instance, the property could simply be divided in half along the new zoning designation boundary in a manner that the eastern 21 acres could become a single lot and the church would be situated on a single 20 acre lot. The eastern 21 acres could potentially be divided into four lots at least five acres in size.

On the eastern 21 acres, future residential clustering appears possible, subject to the clustering guidelines and performance standards found in Section 5.09 of the Zoning Regulations. A Residential Planned Unit Development (PUD) also appears possible for eastern portion of the property zoned ‘SAG-5’, and a future Residential PUD would be required to adhere to the design standards and guidelines for PUDs found in Section 3.31 of the zoning regulations. A potential future ‘Residential SAG-5’ PUD on the property would allow for a wider variety of uses than are typically permitted within a ‘SAG-5’ area. Given the maximum permissible density allowable for a ‘Residential SAG-5’ PUD (2 dwelling units/5 acres), a total of 8 individual residential dwelling units may be possible on the eastern portion of the subject property, if it were to successfully undergo subdivision and PUD review and approval, pursuant to open space set-aside requirements for increased density through a PUD.

In summary, the requested zone change to ‘AG-20’ and ‘SAG-5’ has the potential to increase residential density through subdivision development in the future. Any future land division(s) would require review for compliance with the subdivision regulations. Although the map amendment would not alter the bulk and dimensional requirements for the property, the map amendment would potentially introduce uses to the subject property or general area that are typical of residential zoning districts and which differ from uses that are allowed under the existing agricultural zoning on the property and zoning designations of the surrounding areas. Potential impacts

resulting from the maximum build-out analysis for a PUD or residential cluster development appear to be minimal given the character of the zoning classification, regulatory review, and applicable requirements.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of both the Flathead County Growth Policy, adopted on March 19, 2007 (by Resolution #2015 A), and the Bigfork Neighborhood Plan, adopted on June 2, 2009 by Resolution #2208).

The Flathead County Growth Policy Designated Land Uses Map 2006 identifies the subject property as “Agricultural” based on the zoning in place at the time the map was created. The existing ‘AG-40’ and ‘AG-20’ zoning that splits the subject property complies with this land use designation, as would the proposal to convert the property to entirely ‘AG-20 Agricultural’ and ‘SAG-5 Suburban Agricultural’.

In addition to the Designated Land Use Map, a variety of goals and policies found within the text of the Growth Policy appear applicable to and generally support the requested zoning map amendment, particularly:

Pertaining to land use

- G.3 - Preserve the cultural integrity of private and public agriculture and timber lands in Flathead County by protecting the right to active use and management and allowing a flexibility of private land use that is economically and environmentally viable to both the landowner and Flathead County.
- G.4 - Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.
- P.4.3 Identify a desirable gross density for rural residential development that retains land values, preserves the agricultural character of the community and allows for efficient provision of government services (law enforcement, fire protection, transportation, etc.)

Pertaining to transportation

- G.23 Maintain safe and efficient traffic flow and mobility on county roadways.
- P.23.5 To protect public safety and allow safe travel, restrict development in areas without adequate road improvements.
- P.23.10 Restrict direct access from private properties onto the Montana State highways and require frontage roads where needed and internal vehicle circulation roads for all development outside of urban areas.

Pertaining to public facilities and services

- G.28 Efficient and effective waste water treatment and drinking water delivery.
- P.28.1 Encourage high density development in areas that will be served by community sewer systems that treat to municipal standards.
- P.28.2 Areas not conducive to individual on-site sewage disposal systems because of flooding, ponding, seasonal high water tables, bedrock conditions, severe slope conditions and no access to a community sewage system should be discouraged from development.
- P.28.5 Work to engage water and sewer districts in the county development processes.
- G.31 Growth that does not place unreasonable burden on the ability of the school district to provide quality education.
- G.32 Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.
- G.34 Communicate growth issues with utility providers to address health, safety and welfare of the community.
- P.34.3 Promote land use patterns that permit logical, predictable and effective extension and integration of utilities.

Pertaining to natural resources

- G.35 Protect and preserve water resources within the Flathead watershed for the benefit of current residents and future generations.
- G.43 Protect the air quality in Flathead County.

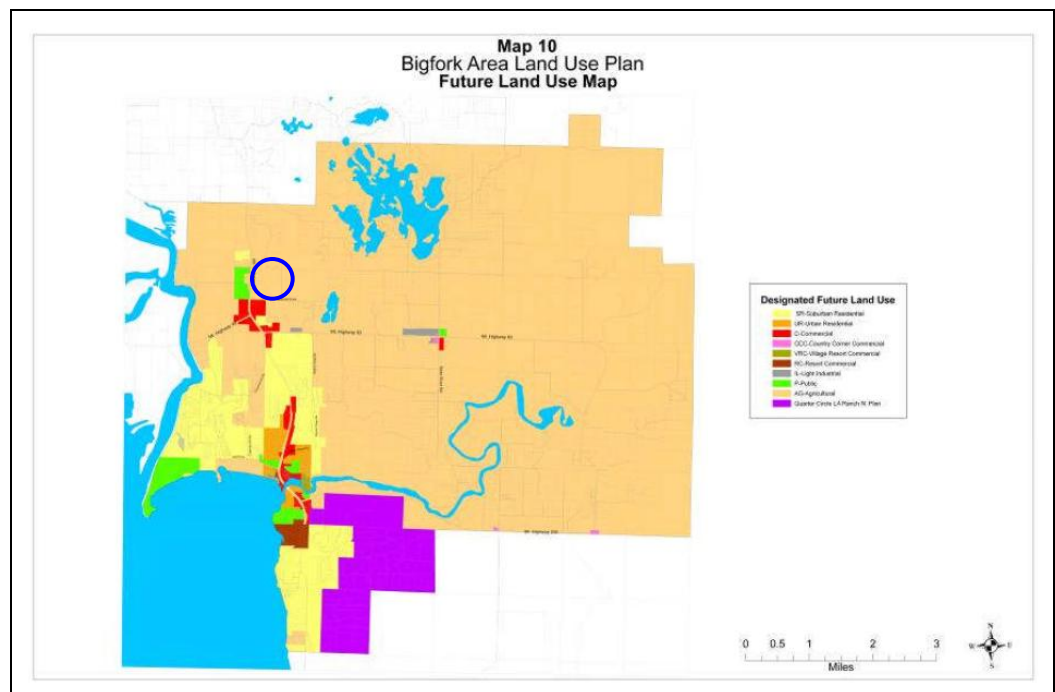
The Bigfork Neighborhood Plan serves as a localized planning tool for the community of Bigfork. The Plan was adopted as an addendum to the Growth Policy to provide more specific guidance on future development and land use decisions at the local level.

As shown in Figure 7 below, the Bigfork Neighborhood Plan “Future Land Use Map” designates the area in which the subject property is located as ‘Agricultural’. According to the text of the plan, this generalized land use designation allows for a spectrum of agricultural zones, dependent on the availability of public facilities, infrastructure and the limitations of the natural environment present in a given area. The plan document describes areas appropriate for SAG-5 zoning as:

“... adjacent to Residential designations with efficient service provision, convenient access to public facilities, paved roads and no environmental constraints... As the smallest “agricultural” designation, small hobby farms, horse pastures and rural single family residential dwellings exemplify areas where this zone is used.”

While the subject property is not adjacent to Residential designations it is located in an area of the County having access to paved County roads, is located within a rural fire district and has no apparent environmental constraints. Adjacent properties to the immediate north, east, and south are similarly zoned ‘AG-20’, ‘SAG-5’, and ‘SAG-10’. As discussed in Section I.E above, the general character of the surrounding area is agricultural and rural residential. The proposed zoning map amendment appears to comply with the intent of the Bigfork Designated Land Use Map and associated text regarding agricultural land use and applicable zoning.

Figure 7: Subject property generally located in the area circled in blue.



In addition to the Designated Land Use Map, the following goals and policies of the Bigfork Neighborhood Plan appear applicable to and generally support the requested zoning map amendment:

- G.2 – Support growth and development in the Bigfork Planning Area (BPA) in a way that protects the character of the area and its natural resources.
- G.6 – Encourage and support residential development densities which are appropriate to existing and planned public facilities and services, which are absent of environmental constraints, and which enhance the character of the community.
 - The proposed zoning map amendment is located in an area of the County with public water and sewer facilities available, is within a rural fire district, is served by the public school district and the

Flathead County sheriff, has access to paved public County roads, and is absent of environmental constraints.

- P.6.2 - Suburban residential densities should be located in areas with paved roads, convenient access to commercial services, public services and facilities, and should have minimal environmental constraints.
 - In addition to what was previously stated, the subject property is located in relative close proximity to basic commercial services.
- P.6.4 – Single family, large lot estate type developments of five acres or larger should be located away from planned areas of sewer and water to minimize inefficient placement of sewer and water conveyance facilities.
 - The proposed zoning map amendment would generally allow up to four 5 acre lots to be created in the future, and is located both within and adjacent to the jurisdiction of the existing Bigfork Water and Sewer District.
 - Although this policy indicates large lot estate type developments of five acres or larger should be located away from planned areas of sewer and water services, it is noteworthy that public sewer and water services are already established on the subject property as currently zoned. In regard to water and sewer capability, this policy implies higher density development may be suitable on the subject property than is enabled within the existing or proposed zoning.
- G.8 – Encourage housing that maintains traditional development patterns while protecting property values and natural resources.
- P.8.2 - Encourage lot size and configuration in rural areas that promote open space and scenic views, while maintaining the character of these areas and supporting agricultural operations.
 - The proposed zoning map amendment from ‘AG-40’ and ‘AG-20’ to ‘AG-20’ and ‘SAG-5’ would continue to promote lot sizes and configurations consistent with the surrounding suburban agricultural landscape and character of the area.

Finding #1 – The proposed zoning map amendment complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the proposal complies with the “agricultural” land use designation identified by the Designated Land Use Map, and because the proposed amendment complies with the Bigfork Neighborhood Plan which was adopted as an element of the Growth Policy.

Finding #2 - The proposed zoning map amendment would comply with the Bigfork Neighborhood Plan because it is supported by a number of goals, policies and text regarding agricultural land use and suburban residential development densities, and because the proposed ‘AG-20’ and ‘SAG-5’

zoning complies with the “agricultural” land use designation identified by the Future Land Use Map.

ii. Whether the proposed map amendment is designed to:

1. Secure safety from fire and other dangers;

The subject property requesting the zoning map amendment has direct driveway access onto Coverdell Road, a 24-foot wide county maintained paved road sitting within a 60-foot wide road and utility easement. Traffic counts taken by the Road and Bridge Department for Coverdell Road in the summer of 2009 indicate an average of 264 vehicle trips per day east of Montana Highway 35. Comment received from the Flathead County Road and Bridge Department indicated there were no concerns with the proposed map amendment at this time.

The subject property is located within the Bigfork Fire District, and the nearest fire and emergency response center is located approximately 3 road-miles south in the Bigfork town center. The Fire Department would respond in the event of a fire or medical emergency. Comment received from the fire department was supportive of the requested zoning map amendment, indicating no concern with the proposed map amendment. In addition, the property is currently served and would continue to be served by the Flathead County Sheriff’s Department.

Finding #3- The proposed map amendment would secure safety from fire and other dangers because the subject property may be accessed using adequate public and private infrastructure able to accommodate emergency vehicles safely and efficiently, and because the property is located within the Bigfork Fire District and the jurisdiction of the Flathead County Sheriff, both of whom would be able to provide an adequate level of service in the event of a fire or medical emergency.

2. Promote public health, public safety, and general welfare;

The subject property is accessed from Coverdell Road, a county maintained paved road directing traffic onto Montana Highway 35. The property is located within a rural fire district providing fire and emergency medical services, and is currently served by public water and sewer systems of the Bigfork Water and Sewer District. If the property were to reach full build-out potential as a result of the proposed zoning map amendment, it is anticipated the additional lots and/or uses created would continue to be served by public facilities.

Finding #4 – The proposed zoning map amendment from ‘AG-40 and AG-20 Agricultural’ to ‘AG-20 Agricultural’ and ‘SAG-5 Suburban Agricultural’ would not have a negative impact on public health, safety and general welfare because additional residential development could be adequately served by

individual well and septic systems, the Bigfork Volunteer Fire Department, Flathead County Sheriff and existing public infrastructure.

3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The subject property is located within the Bigfork Public School District, and the potential increase in school aged children as a result of the proposed zoning map amendment is anticipated to be minimal. Future residential development on the subject property would require subdivision review, at which time impacts to transportation, water and sewer services, and school facilities and the provision of bus services would be taken into consideration. While there are a handful of County parks in the immediate area, the zoning map amendment from ‘AG-40 and AG-20 Agricultural’ to ‘AG-20 Agricultural’ and ‘SAG-5 Suburban Agricultural’ maintains a relatively large minimum lot size for the benefit of personal recreational uses. Extensive recreational areas and activities can be found within a close proximity to the subject property, including the Jewel Basin, Echo Lake, the Flathead River and Flathead Lake, Wayfarers State Park and the Swan River Nature Trail in Bigfork. As previously stated, the subject property currently utilizes public water and sewer services, as future development would likely be required to use. There are no apparent environmental constraints present on the subject property that would preclude additional development being constructed in the future.

Finding #5 – The proposed zoning map amendment would facilitate the adequate provision of transportation, water, sewer, schools and parks through subdivision review of future development proposals, by utilizing public water and sewer services and infrastructure, by being located within and served by the Bigfork Public School District, and having convenient access to parks and recreation facilities in the greater Bigfork area.

iii. In evaluating the proposed map amendment, consideration shall be given to:

1. The reasonable provision of adequate light and air;

The western twenty acres of the subject property would be zoned ‘AG-20’, and that area is already developed with a church and associated improvements. While the proposed zoning map amendment has the potential to increase development density on the eastern 21 acres of the subject property, any additional lots created would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot size requirements of the ‘SAG-5’ zoning classification. With the exception of minimum lot size and coverage, the bulk and dimensional requirements for ‘SAG-5’ zoning are identical to those of the existing ‘AG-40’ and ‘AG-20’ zoning at the location. These minimum standards would ensure there is adequate light and air available to the subject property as well to the surrounding area.

Finding #6 - The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of 'SAG-5' zoning, which are nearly identical to the bulk and dimensional requirements of the existing 'AG-40' and 'AG-20' zoning in place.

2. The effect on motorized and non-motorized transportation systems;

The subject property requesting the zoning map amendment has existing driveway access onto Coverdell Road which serves as access to the church. Coverdell Road is a paved public County road approaching onto Montana Highway 35, and future development as a result of the proposed zoning map amendment would be accessed from Coverdell Road, most likely via a new future driveway or road.

In the event the requested zoning map amendment is approved, subsequent subdivision activity may result in the creation of four additional lots to be developed with single family residences on the property. Anticipated traffic generated by four additional residences is not anticipated to adversely impact the transportation system as Coverdell Road is paved in good condition, has relatively low traffic counts based upon the most recent survey, and sight distances along Coverdell Road and at the intersection of Coverdell Road and Montana Highway 35 are excellent.

There are no existing bike/pedestrian facilities located along either Coverdell Road or Montana Highway 35 adjacent to the subject property. Potential future development may result in development of a bike/pedestrian trail along Montana Highway 35 adjacent to the subject property as that location is identified in the Flathead County Trails Plan as part of a proposed arterial pathway which would hypothetically connect Bigfork with other areas of the greater Flathead Valley.

Finding #7 – Effects on motorized and non-motorized transportation systems will be minimal because the property is accessed by Coverdell Road, a paved public County road approaching onto Montana Highway 35, both of which are able to accommodate additional vehicle traffic; sight distances along Coverdell Road and at the intersection of Coverdell Road and Montana Highway 35 are excellent; the subject property does not abut existing bike/pedestrian facilities, and; future development resulting from the proposed zoning map amendment would require additional review(s) required to consider potential impacts to the transportation system based upon specific conditions which would be pertinent at that time in the future.

3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

This criterion is not directly applicable to the zoning map amendment request because the proposal is located well outside the ‘urban’ area associated with the town of Bigfork, which is not a municipality. The nearest municipality is the City of Kalispell, and the proposed zoning map amendment has no relation to the urban growth area of this municipality. The proposal is in an area of the County that is considered rural, not urban, in character. Furthermore, the proposed zoning map amendment would not result in urban densities but would allow for development density consistent and compatible with a rural setting for smaller agricultural lot sizes. Although relatively small in size for agricultural uses, lot sizes allowable under ‘SAG-5’ zoning are considered large in the context of residential development.

Finding #8- The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is rural in nature and is located in an area appropriate for rural development, well outside the area of influence of the City of Kalispell.

4. The character of the district(s) and its peculiar suitability for particular uses;

As previously discussed, the permitted and conditional uses found under the proposed ‘AG-20’ and ‘SAG-5’ zoning are identical or very similar to those listed under the existing ‘AG-40’ and ‘AG-20’ zoning. The property is currently split by ‘AG-40’ and ‘AG-20’ zoning classifications, and the proposed zoning map amendment would maintain a split zoning on the property reconfigured between ‘AG-20’ and ‘SAG-5’ zoning classifications.

The proposed ‘AG-20’ and ‘SAG-5’ zoning would allow the property to continue being used for agricultural and residential purposes, consistent with the character of both zoning use districts. The proposed zoning would allow for the potential to subdivide the eastern 21 acres in the future and create four 5+ acre lots, which would continue to be consistent with the character of the zoning use districts established on-site and in the immediate vicinity of the subject property.

Finding #9 – The proposed zoning map amendment would be suitable for the subject property because there would be no change in the type or intensity of agricultural and suburban agricultural uses currently allowable, with the exception of minimum lot size, and the change would be generally consistent with the character of the surrounding area along Coverdell Road.

5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The property requesting this zoning map amendment is currently developed with a church and associated accessory structures. The proposed ‘AG-20’ and

‘SAG-5’ zoning designations would not affect the value of the existing church or its accessory buildings and improvements because, as situated, the church would be contained wholly within the portion of property proposed for ‘AG-20’ zoning, and as the principal use on the property additional uses are limited to those which would be accessory to it.

Further, the defined intent of ‘AG-40’, ‘AG-20’, and ‘SAG-5’ zoning is very similar, as are the permitted and conditional uses allowed within them. The bulk and dimensional requirements of the proposed districts are nearly identical; therefore setbacks and lot coverage would remain unaffected as a result of the proposed zoning map amendment. The proposed zone change would continue to support the estate-type residential development and agricultural uses prevalent under ‘Agricultural’ and ‘Suburban Agricultural’ zoning classifications, but would allow a smaller minimum lot size on the twenty-one acre eastern portion of the property in the event that area undergoes future subdivision.

Finding #10 – The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing suburban agricultural uses to continue in a location where such land uses are established and prevalent.

iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

As previously discussed, the nearest municipality is the City of Kalispell, which is a separate jurisdiction from the County and governed by a separate set of zoning regulations. There are no agricultural or suburban agricultural use designations provided for in the City’s zoning regulations, therefore the issue of compatibility between the County regulations and the City regulations is not directly applicable to this zoning map amendment request.

Finding #11 – This issue of compatibility between the County zoning regulations and the City of Kalispell zoning regulations is not directly applicable to this zoning map amendment because there are no suburban agricultural zoning designations in the nearest municipal zoning ordinance.

V. SUMMARY OF FINDINGS

Finding 1 - The proposed zoning map amendment complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the proposal complies with the “agricultural” land use designation identified by the Designated Land Use Map, and because the proposed amendment complies with the Bigfork Neighborhood Plan which was adopted as an element of the Growth Policy.

Finding 2 - The proposed zoning map amendment would comply with the Bigfork Neighborhood Plan because it is supported by a number of goals, policies and text regarding agricultural land use and suburban residential development densities, and because the proposed 'AG-20' and 'SAG-5' zoning complies with the "agricultural" land use designation identified by the Future Land Use Map.

Finding 3 - The proposed map amendment would secure safety from fire and other dangers because the subject property may be accessed using adequate public and private infrastructure able to accommodate emergency vehicles safely and efficiently, and because the property is located within the Bigfork Fire District and the jurisdiction of the Flathead County Sheriff, both of whom would be able to provide an adequate level of service in the event of a fire or medical emergency.

Finding 4 - The proposed zoning map amendment from 'AG-40 and AG-20 Agricultural' to 'AG-20 Agricultural' and 'SAG-5 Suburban Agricultural' would not have a negative impact on public health, safety and general welfare because additional residential development could be adequately served by individual well and septic systems, the Bigfork Volunteer Fire Department, Flathead County Sheriff and existing public infrastructure.

Finding 5 - The proposed zoning map amendment would facilitate the adequate provision of transportation, water, sewer, schools and parks through subdivision review of future development proposals, by utilizing public water and sewer services and infrastructure, by being located within and served by the Bigfork Public School District, and having convenient access to parks and recreation facilities in the greater Bigfork area.

Finding 6 - The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of 'SAG-5' zoning, which are nearly identical to the bulk and dimensional requirements of the existing 'AG-40' and 'AG-20' zoning in place.

Finding 7 - Effects on motorized and non-motorized transportation systems will be minimal because the property is accessed by Coverdell Road, a paved public County road approaching onto Montana Highway 35, both of which are able to accommodate additional vehicle traffic; sight distances along Coverdell Road and at the intersection of Coverdell Road and Montana Highway 35 are excellent; the subject property does not abut existing bike/pedestrian facilities, and; future development resulting from the proposed zoning map amendment would require additional review(s) required to consider potential impacts to the transportation system based upon specific conditions which would be pertinent at that time in the future.

Finding #8- The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is rural in nature and is located in an area appropriate for rural development, well outside the area of influence of the City of Kalispell.

Finding #9 – The proposed zoning map amendment would be suitable for the subject property because there would be no change in the type or intensity of agricultural and suburban agricultural uses currently allowable, with the exception of minimum lot size, and the change would be generally consistent with the character of the surrounding area along Coverdell Road.

Finding #10 – The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing suburban agricultural uses to continue in a location where such land uses are established and prevalent.

Finding #11 – This issue of compatibility between the County zoning regulations and the City of Kalispell zoning regulations is not directly applicable to this zoning map amendment because there are no suburban agricultural zoning designations in the nearest municipal zoning ordinance.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the 11 Findings of Fact cited above.